

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

‘**Sec. 1. 22 MRSA c. 261-B** is enacted to read:

CHAPTER 261-B

CHILDREN'S WIRELESS PROTECTION ACT

§ 1537. Short title

This chapter may be known and cited as "the Children's Wireless Protection Act."

§ 1538. Safety notification labels for cellular telephones

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cellular telephone" means a device used to access a wireless telephone service.

B. "Safety notifications" means language regarding use or operating requirements related to radio frequency exposure, including, but not limited to, instructions for safe use and caution statements.

2. Prominence of instructions. If a cellular telephone manufacturer includes safety notifications in its owner's manual the cellular telephone manufacturer shall ensure that:

A. The full language of the safety notifications is plainly visible on the outside of the product packaging; or

B. A label is plainly visible on the outside of the product packaging alerting customers to the safety notifications. The body of the notice must be in letters not less than 1/16 inch in height. The initial words "SAFETY NOTICE" must appear in capital letters and in bold type at least 1/8 inch in height, followed by: "For the Safety of You and Your Family, Please Read Guidance for Use" and language directing consumers to the page or pages of the owner's manual or other insert where the safety notifications may be found.

3. Safety notification label requirement. A retailer of cellular telephones may not sell at retail in this State a cellular telephone unless the requirements of subsection 2 are met.

4. No cost to retailers. A cellular telephone manufacturer shall provide any safety notifications required under subsection 2 to retailers at no cost.

5. Violation. A violation of this chapter is a violation of the Maine Unfair Trade Practices Act.’

SUMMARY

This amendment is the minority report of the committee. This amendment removes from the bill language requiring warning labels on cellular telephones and their packaging and instead directs cellular telephone manufacturers to place safety notifications that are in the cellular telephone manual on the box of the cellular telephone or to place on the box a label that directs consumers to the safety notifications printed in the manual. This amendment removes the provision from the bill that requires signs to be placed where cellular telephones are displayed.